

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PETER MCARDLE

17CV2806  
CV

Write the full name of each plaintiff.

(Include case number if one has been assigned)

-against-

JOSEPH APONTE, ET AL

SEE ATTACH LIST OF DEFENDANTS

COMPLAINT

(Prisoner)

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

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NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: \_\_\_\_\_

## II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

PETER                      J                      MCARDLE  
First Name                      Middle Initial                      Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

BK # 14117 00127                      NYSID 03798540M  
Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

EMTC Rikers Island  
Current Place of Detention

10-10 HAZEN ST  
Institutional Address

BRONX, E. ELMHURST NY                      11370  
County, City                      State                      Zip Code

## III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☐ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee  
☒ Convicted and sentenced prisoner  
☐ Other: \_\_\_\_\_

#### IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1: JOSEPH APONTE COMMISSIONER  
First Name Last Name Shield #  
COMMISSIONER OF NYC DEPT OF CORRECTIONS  
Current Job Title (or other identifying information)  
RIKERS ISLAND  
Current Work Address  
BRONX, E. ELMHURST NY 11370  
County, City State Zip Code

Defendant 2: JANE DOE WARDEN  
First Name Last Name Shield #  
OBCC WARDEN  
Current Job Title (or other identifying information)  
1600 HAZEN ST  
Current Work Address  
BRONX, E. ELMHURST NY 11370  
County, City State Zip Code

Defendant 3: CHIEF DEPUTY WARDEN DUNBAR  
First Name Last Name Shield #  
CHIEF DEPUTY WARDEN  
Current Job Title (or other identifying information)  
1600 HAZEN ST  
Current Work Address  
BRONX, E. ELMHURST NY 11370  
County, City State Zip Code

Defendant 4: — VAZ DEPUTY WARDEN  
First Name Last Name Shield #  
DEPUTY WARDEN  
Current Job Title (or other identifying information)  
1600 HAZEN ST  
Current Work Address  
BRONX E. ELMHURST NY 11370  
County, City State Zip Code

### LIST OF DEFENDANTS 1

1. JOSEPH APONTE, COMMISSIONER OF NYC DEPARTMENT OF CORRECTION, RIKERS ISLAND NYC
2. JANE DOE OR WARDEN VAZQUEZ, OTIS BANTUM CORRECTIONAL CENTER RIKERS ISLAND NYC
3. CHIEF DEPUTY WARDEN DUNBAR, OTIS BANTUM CORRECTIONAL CENTER, RIKERS ISLAND, NYC
4. DEPUTY WARDEN VAZ, OTIS BANTUM CORRECTIONAL CENTER
5. DEPUTY WARDEN ARTHUR, OTIS BANTUM CORRECTION CENTER
6. CAPTAIN WILLIAMS, OTIS BANTUM CORRECTIONAL CENTER
7. DEPUTY WARDEN JANE DOE #1 OBCC  
WORKING 7 TO 4 SHIFT IN JANUARY 2017
8. DEPUTY WARDEN JANE DOE #2 OBCC  
WORKING 7 TO 4 SHIFT JANUARY 2017
9. DEPUTY WARDEN JOHN DOE #1 OBCC  
WORKING DAY SHIFT JANUARY 2017
10. DEPUTY WARDEN JOHN DOE #2 OBCC  
WORKING DAY SHIFT JAN 2017
11. CAPTAIN JOHN DOE #1 OBCC  
WORKING 3-11 PM JAN 6-8 2017
12. CAPTAIN JOHN DOE #2 OBCC  
WORKING 3-11 PM JANUARY 6TH TO 8TH 2017

LIST OF DEFENDANTS CONTINUED 2

13. CAPTAIN JOHN DOE #3 OBCC  
WORKING DAY SHIFT JANUARY 2017, FEB 2017
14. CAPTAIN JOHN DOE #4 OBCC  
WORKING EVENINGS 3-11 JANUARY, FEBRUARY 2017
15. CAPTAIN JOHN DOE #5 OBCC  
WORKING 11-7 SHIFT JAN 7, 2017
16. CAPTAIN JANE DOE #1 OBCC  
WORKING DAY SHIFT JAN., FEB 2017
17. CAPTAIN JANE DOE #2 OBCC  
WORKING DAY SHIFT AM-4 PM
18. CAPTAIN JANE DOE #3 OBCC  
WORKING 3-11 JANUARY 2017
19. CAPTAIN JANE DOE #4 OBCC  
WORKING 3-11 PM JAN 8 2017
20. CAPTAIN JANE DOE #5 OBCC  
WORKING 8AM - 4PM JAN, FEB 2017
21. CORRECTION OFFICER ALICEA, OBCC  
WORKING 3-11 PM JAN, FEB 2017
22. C.O. JOHN DOE #1 OBCC  
WORKING 11 PM 7AM JAN, FEB 2017
23. CO JOHN DOE #2 OBCC  
WORKING 11 PM - 7AM JAN, FEB 2017
24. C.O. JOHN DOE #3 OBCC  
WORKING 8AM - 5PM JAN 2017
25. C.O. JOHN DOE #4 OBCC  
WORKING 3-11 PM JAN, FEB 2017

LIST OF DEFENDANTS 3

26 C.O. JANE DOE #1 OBCC  
WORKING DAY SHIFT JAN, FEB 2017

27 C.O. JANE DOE #2 OBCC  
WORKING DAY SHIFT JAN, FEB 2017

28 C.O. JANE DOE #3 OBCC  
WORKING 3-11 PM JAN, FEB 2017

29 C.O. JANE DOE #4 OBCC  
WORKING 3-11 PM JAN, FEB 2017

30 C.O. JANE DOE #5 OBCC  
WORKING 3-11 PM JAN FEB 2017

**V. STATEMENT OF CLAIM**

Place(s) of occurrence: GTIS BANTUM CORRECTIONAL CENTER, RIVERS

Date(s) of occurrence: JAN 6 - FEB 15 2017

**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

SEE ATTACHED STATEMENT SHEETS

## STATEMENT OF CLAIM

MY NAME IS PETER M'ARDLE AND I WAS A PRISONER AT THE OTIS BANTUM CORRECTIONAL CENTER (OBCC) ON Rikers Island BETWEEN JANUARY 6, 2017 AND FEBRUARY 15 2017 DURING WHICH TIME I WAS IN THE CUSTODY AND UNDER THE CONTROL OF THE NEW YORK CITY DEPARTMENT OF CORRECTION. I WAS SUBJECTED TO NUMEROUS CIVIL RIGHTS VIOLATIONS AND CRUEL AND UNUSUAL PUNISHMENT AND DENIAL OF MY RIGHTS TO DUE PROCESS OF LAW.

I SPENT 52 CONSECUTIVE HOURS IN THE INTAKE AREA OF OBCC FOR THE "BOOKING PROCESS" THAT INCLUDED BEING LEFT TO SLEEP ON THE CONCRETE FLOORS OF THE HOLDING CELLS, DEPRIVED OF FOOD, WATER, SHOWERS, VISITS, SANITARY CELL CONDITIONS, BEDDING, MATTRESS, MEDICAL TREATMENT, MEDICATION, CLEAN CLOTHING, TELEPHONES, AND ACCESS TO THE LAW LIBRARY. I WAS SUBJECTED TO EXTREME OVERCROWDING IN THE INTAKE HOLDING PENS AND "FORCED STANDING," A WELL-KNOWN FORM OF TORTURE. ALL OF THIS WAS DONE MALICIOUSLY AND DELIBERATELY BY DEPARTMENT OF CORRECTION STAFF, ESPECIALLY THE OVERCROWDING, WHICH OCCURED WHEN 30 OR MORE PRISONERS WERE PUT INTO ONE 20X20' HOLDING PEN WHEN EMPTY PENS WERE AVAILABLE NEARBY.

I ARRIVED AT OBCC INTAKE AT 5 PM FRIDAY JAN. 6 2017 AFTER TWO DAYS IN NYPD CUSTODY WITHOUT BEING GIVEN FOOD, WATER OR MEDICAL TREATMENT



## STATEMENT OF CLAIM

AND WAS LEFT IN A LARGE HOLDING PEN WITH 30 OTHER MEN FOR THE NEXT 2 DAYS. THERE WERE NUMEROUS FIGHTS AND ALARMS WENT OFF CONSTANTLY AND GUARDS DRESSED IN RIOT GEAR ATTACKED PRISONERS IN ALL AREAS OF THE FACILITY. THE STANDARD METHOD OF ATTACK IS BY A CHEMICAL AGENT CALLED "PEPPER SPRAY" AND A BLAST FROM ONE OF THE PALM-SIZED CANNISTERS THAT ALL THE GUARDS CARRY RESULTS IN BLINDNESS, BURNING SKIN, CHOKING, THE INABILITY TO BREATHE AND THE ENSUING PANIC THAT RESULTS FROM SUDDEN ASPHYXIATION.

AT THE TIME I ARRIVED AND THROUGH THE NIGHT AND INTO SATURDAY MORNING CO JOHN DOE 1, C.O. JOHN DOE 2 CO JOHN DOE 3, CO JOHN DOE 4, CO JOHN DOE 5, CAPTAIN JOHN DOE 1, CAPTAIN JOHN DOE 2, CAPTAIN JOHN DOE 3 WERE THE PRIMARY AGENTS OF FORCE AND TORTURE. OTHER PRISONERS AND I REPEATEDLY ASKED FOR FOOD, MEDICATION, WATER, OR TO BE HOUSED IN IN DORMS OR CELLS WITH BUNKS AND MATTRESSES. THERE WERE 3 SEPARATE SHIFTS PER 24 HOUR PERIOD EACH OF WHICH HAD MULTIPLE OFFICERS, CAPTAINS, AND DEPUTY WARDENS, ALL OF WHOM DIRECTLY PARTICIPATED IN THE WRONGDOINGS AND VIOLATION OF MY 8TH AMENDMENT RIGHTS OR KNEW ABOUT THE WRONGDOINGS AND DID NOTHING TO STOP OR FIX IT, OR IN THE CASE OF JANE DOE #1 WARDEN, FAILED TO OVERSEE THE WRONGS, HIRED UNQUALIFIED STAFF,

## STATEMENT OF CLAIM

OR CREATED A POLICY OR CUSTOM THAT ALLOWED VIOLATION OF MY 8TH AMENDMENT RIGHT TO HAPPEN ROUTINELY. THE CREATION OF POLICY AND CUSTOM THAT ALLOWED FOR THIS VIOLATION OF MY CONSTITUTIONAL RIGHTS EXTENDS UPWARD TO COMMISSIONER OF CORRECTION JOSEPH APOSTOL.

CAPTAINS JOHN DOE 1-3 ON THE WEEKEND OF JAN 6 - JAN 8 2017 CARRIED LARGE CANNISTERS OF THE CHEMICAL AGENT AS WELL AS GAS MASKS. THE LARGE CANNISTER HAS A GREATER RANGE AND WIDER DISPERSION AND IS LABELED "BEAR REPELLENT" AND IS USED BY US PARKS DEPARTMENT PERSONNEL TO REPEL ATTACKS BY GRIZZLY BEARS. FROM CLOSE RANGE IT DRENCHES THE PRISONER IN THE CHEMICAL AGENT AND THE RESULTS ARE QUITE HORRIBLE. THE PRISONER IS REDUCED TO WRITHING ON THE FLOOR LIKE A MAN ON FIRE AND PULLING OFF CLOTHING THAT ARE SOAKED IN THE CHEMICAL AGENT, ALL THE WHILE BLINDED AND UNABLE TO BREATHE.

I WAS INDIRECTLY SPRAYED ON TWO OCCASIONS IN OBCC FOR NO GREATER OFFENSE THAN BEING IN THE VICINITY OF THE STAFF-ON-PRISONER VIOLENCE THAT GOES ON THERE DAILY. BOTH TIMES THE EFFECTS WERE TERRIBLE, TERRIFYING AND LIFE THREATENING AND RESULTED IN PERMANENT DAMAGE TO MY LUNGS AND RESPIRATORY TRACT.

## STATEMENT OF CLAIM

INCLUDING THE SENSATION THAT I CAN NO LONGER COMPLETELY FILL MY LUNGS WITH AIR. THESE ATTACKS OCCURRED ON JAN 12 AND 24 IN THE HALLWAY BETWEEN INTAKE AND 1 LOWER, AND IN INTAKE HOLDING PEN WAITING TO GO TO COURT, RESPECTIVELY. IN THE FIRST INSTANCE OFFICER ALICEA STARTED A FIGHT WITH A PRISONER WHEN THE PRISONER WOULD NOT REMOVE HIS HAT. OFFICERS JOHN DOE 6 & 5 AND CAPTAIN JANE DOE 5 ATTACKED WITH SPRAY CANNISTERS AND SOAKED 2 PRISONERS WITH THE CHEMICAL AGENT AND I WAS CAUGHT IN THE SPRAY THAT SPLASHED OFF OF THEM. I WAS BLINDED AND CHOKED BY THE CHEMICAL SPRAY AND STILL HAVE NOT RECOVERED. ON THE SECOND OCCASION I WAS IN THE INTAKE AREA AWAITING TRANSPORTATION TO WEST FACILITY AND WAS JAMMED INTO A HOLDING PEN WITH SEVERAL DOZEN OTHER PRISONERS WHEN 2 PRISONERS BEGAN TO FIGHT. THE GUARDS RUSHED IN AND SPRAYED THEM. THIS WAS C.O. JOHN DOE 8 & 9 AND DEPUTY WARDEN (OR CAPTAIN?) ARTHUR. I SUFFERED THE SAME HORRIBLE EFFECTS AS THE EARLIER ATTACK, AND TO THIS DAY I CANNOT TAKE A FULL BREATH.

DEP VAE AND DUNBAR WERE ALSO PRESENT

I SUFFER FROM HYPERTENSION AND MY BLOOD PRESSURE

## STATEMENT OF CLYM

WAS TAKEN IN THE EARLY MORNING HOURS OF JANUARY 7, 2017 AFTER I EXPERIENCED CHEST PAINS IN THE HOLDING PENS OF THE INTAKE AREA OF OBCC. AT THAT TIME I WAS 58 YEARS OLD, AND HAD BEEN DENIED MY BLOOD PRESSURE MEDICATION FOR THE PREVIOUS 4 DAYS SINCE I WAS ARRESTED JANUARY 4, 2017. MY BLOOD PRESSURE WAS 206/101 AT THE TIME I WAS FIRST BROUGHT TO THE CLINIC. THE STAFF THERE WERE UNABLE TO OPERATE THE EKG MACHINE AND THEY GAVE ME DOUBLE MY USUAL DOSE OF LISINAPRIL, WHICH CAUSED MY BLOOD PRESSURE TO DROP TO 81/46. AT THAT POINT THEY ATTEMPTED TO ADMINISTER AN IV DRIP BUT WERE NOT ABLE AFTER PUNCTURING MY ARM 4 TIMES. I REFUSED TO ALLOW THEM TO TRY TO FIND A VEIN IN THE BACK OF MY HAND. THEY SENT ME BACK INTO THE HOLDING PEN IN INTAKE.

## TORTURE IN OBCC INTAKE

I RECOGNIZE THAT "TORTURE" IS A WORD THAT MAKES MANY PEOPLE UNCOMFORTABLE WHEN IT'S USED TO DESCRIBE THE TREATMENT OF PRISONERS ON AMERICAN SOIL; ESPECIALLY THOSE PRISONERS IN THE CUSTODY OF CIVILIAN POLICE FORCES. HOWEVER BY ANY MODERN STANDARD (OUTSIDE, PERHAPS, 3RD WORLD COUNTRIES) IT IS EXACTLY WHAT'S DONE ROUTINELY ON Rikers ISLAND AT OBCC INTAKE TO ENSURE THE COOPERATION

### STATEMENT OF CLAIM

AND DEMORALIZATION OF PRISONERS SO THAT THEY ARE MORE DOCILE AND COOPERATIVE.

FORCED STANDING IS A WELL KNOWN AND TIME TESTED FORM OF TORTURE THAT HAS BEEN USED BY U.S. MILITARY FORCES IN IRAQ, AFGHANISTAN AND GUANTANAMO BAY AGAINST TERRORISTS AND ENEMY COMBATANTS. GENERALLY FORCED STANDING IS ACCOMPLISHED BY MAKING A PRISONER STAND ON A CONCRETE FLOOR FOR HOURS UNDER THREAT OF BEATINGS OR OTHER PHYSICAL PAIN. GUARDS SCREAM AT THE PRISONER THAT IF HE MOVES OR SITS DOWN HE WILL BE BEATEN OR KILLED. TERRIFIED, THE PRISONER STANDS FOR HOURS WHILE HIS TORTURERS SIT NEARBY RELAXING, DRINKING AND EATING WHILE THEY MONITOR HIS CONTINUOUS STANDING TO MAKE SURE HE DOES NOT SIT OR MOVE.

IN AS LITTLE AS AN HOUR THE TORTURED PRISONER BEGINS TO EXPERIENCE PHYSICAL PAIN, DEPENDING ON HEALTH, AGE, AND OTHER OBVIOUS FACTORS INCLUDING SLEEP DEPRIVATION, STARVATION AND PRIOR INJURIES. IF HE IS YOUNG AND STRONG AND WELL FED, IT MAY BE MANY HOURS BEFORE FATIGUE AND FEAR AND PAIN BEGIN TO BREAK HIM DOWN. IF HE IS OLD AND HUNGRY AND SLEEP-DEPRIVED HIS BREAKDOWN WILL COMMENCE VERY QUICKLY. BUT IN EITHER CASE THE RESULTS ARE THE SAME: ITS DEMORALIZING IN THE EXTREME,

## STATEMENT OF CLAIM

AS WELL AS PHYSICALLY ABUSIVE AND FATIGUING AND MAKES THE PRISONER MUCH MORE COMPLIANT. THE IN-ESCAPABLE CONCLUSION IS THAT IF THE TORTURED PRISONER IS UNABLE TO EVEN ENDURE STANDING, HOW CAN HE EXPECT TO STAND UP TO HIS JAILORS?

IN OBCC INTAKE, THE SAME EFFECT IS ACCOMPLISHED BY CROWDING A HOLDING PEN SO FULL OF PRISONERS THAT ONLY A HANDFUL CAN SIT ON THE STAINLESS STEEL BENCHES THAT LINE THE WALLS. THE REST ARE LEFT TO STAND OR PERHAPS SQUAT DOWN FOR HOURS ON END. THIS IS EUPHEMISTICALLY CALLED "BULLPEN THERAPY" AND A SHORT SESSION MIGHT BE ONLY 3 TO 4 HOURS. THE AVERAGE SESSION IS 8 TO 12 HOURS AND A LONG SESSION IS 24 HOURS OR MORE. THERE IS NO NEED FOR THE GUARDS TO YELL OR THREATEN THE PRISONERS - THE SPACE IS TIGHT AND VERY CRAMPED - SITTING TAKES UP MORE SPACE THAN YOU ARE ALLOWED. PRISONERS ARE SHORT-TEMPERED AND EASILY PROVOKED - FIGHTS ARE FREQUENT. USE OF THE CHEMICAL SPRAY IS THE GUARD'S ANSWER TO EVERY CONFLICT.

I WAS TORTURED WITH FORCED STANDING IN THE OBCC INTAKE HOLDING PENS FOR 40 HOURS OR MORE, BETWEEN JANUARY 6 AND JANUARY 8, 2017 AND AGAIN ON JANUARY 12 (8 HOURS) JANUARY 19 (14 HOURS) JANUARY 24 (7 HOURS) FEBRUARY 13 (SHR)

## STATEMENT OF CLAIM

THE 40 HOURS OF STANDING THAT OCCURRED DURING THE FIRST 52 HOURS IN INTAKE WERE BROKEN UP BY PERIODS OF SITTING ON AN 8-INCH WIDE STAINLESS STEEL BENCH THAT BECAME NEARLY AS PAINFUL AND DIFFICULT TO ENDURE AS STANDING.

DURING THE INITIAL BOOKING PROCESS THAT LASTED 52 HOURS BETWEEN FRIDAY JANUARY 6 AND SUNDAY JANUARY 8, AND INCLUDED THE 40 HOURS DESCRIBED ABOVE, IT BECAME NECESSARY TO SLEEP. THERE IS NO WAY FOR A 58 YEAR OLD MAN LIKE MYSELF TO SIT OR STAND FOR 52 STRAIGHT HOURS, SO LIKE EVERYONE ELSE I WAS FORCED TO SLEEP ON THE CONCRETE FLOOR WHEN EXHAUSTION AND FATIGUE AND PAIN OVERCAME WHATEVER AVERSION I HAD TO SLEEPING ON CONCRETE. I BELIEVE I SLEPT FOR A PERIOD OF SEVERAL HOURS ON TWO OCCASSIONS DURING THE BOOKING PROCESS. ONCE I LAY DOWN ON A BLANKET THAT A PRISONER WHO WORKED OUTSIDE THE PENS PUSHED THROUGH THE BARS WHEN THE GUARDS WERE NOT LOOKING. THE SECOND TIME I GOT A HOLD OF A STATE-JACKET THAT THE DOC ISSUES TO PRISONERS WHO ARE TAKEN OUT TO COURT DURING WINTER MONTHS. I LAY ON THE JACKET SPREAD OUT ON THE FLOOR AND SLEPT ON MY SIDE WITH ONE ARM UNDER MY HEAD FOR AS LONG AS THE NOISE AND CONCRETE WOULD ALLOW.

AT APPROXIMATELY 9 OR 10 PM ON SUNDAY JANUARY 8 2017 I WAS TAKEN TO A DORM CALLED 1 LOWER AND GIVEN

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A THIN PLASTIC MATTRESS TO SLEEP ON WITH NO BLANKET OR SHEETS. VIOLATIONS OF MY CIVIL RIGHTS AND CONSTITUTIONAL RIGHTS TO BE FREE OF CRUEL AND UNUSUAL PUNISHMENT WERE SO FREQUENT DURING THE 40 DAYS I WAS HOUSED AT OBCC THEY WERE EFFECTIVELY CONTINUOUS AND ONGOING; THIS IS NOT ONLY TRUE FOR ME ITS TRUE FOR ANY PRISONER WHO IS "BOOKED" THROUGH THE INTAKE AREA AND DETAINED IN THIS AWFUL PLACE.

OFFICERS WHO BEAR PERSONAL RESPONSIBILITY FOR CRUEL AND UNUSUAL PUNISHMENT ARE LITERALLY ALL THE OFFICERS WHO WORKED IN THE INTAKE AREA ON THE DATES I WAS DETAINED THERE. THERE IS NOT A SINGLE OFFICER OR CAPTAIN OR DEPUTY WARDEN WHO DID NOT DIRECTLY PARTICIPATE IN THE WRONG, OR DID NOT KNOW ABOUT THE WRONG BUT DID NOT TRY TO STOP OR FIX IT, OR DID NOT FAIL TO OVERSEE THE PEOPLE WHO CAUSED THE WRONG, OR CREATED A POLICY OR CUSTOM THAT ALLOWED TORTURE OF THIS KIND TO OCCUR. MOST RESPONSIBLE OF ALL WOULD BE THE WARDEN OF THE FACILITY, AND THE COMMISSIONER OF CORRECTION, JOSEPH APONTE, WHO HAS ALLOWED THESE DISPLACABLE PRACTICES TO BECOME ROUTINE OVER A PERIOD OF YEARS AND HAVE SHOWN DELIBERATE INDIFFERENCE TO THE HUMAN SUFFERING THEIR POLICIES AND CUSTOMS CAUSED.